

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CAUSE NO. 1:21-cr-54-LG-BWR-1**

**ALVIN RAY LUCAS**

**ORDER DENYING MOTION TO WITHDRAW  
PLEA OF GUILTY FOR LACK OF JURISDICTION**

**BEFORE THE COURT** is the [126] Letter Motion to Withdraw Plea of Guilty filed by Defendant Alvin Ray Lucas. For the following reasons, the Court denies the Motion for lack of jurisdiction.

On September 26, 2022, Defendant entered an open plea to the single count Indictment, which charged him with conspiracy to possess with intent to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. § 846. On December 20, 2022, the Court sentenced Defendant to 360 months' imprisonment, five years' supervised release, and a \$100.00 special assessment. The following day, Defendant appealed his conviction. The appeal is pending before the United States Court of Appeals for the Fifth Circuit. *See* USCA 22-60668.<sup>1</sup>

On May 11, 2023, Defendant filed a [126] Letter Motion to Withdraw Plea of Guilty. Under Fed. R. Crim. P. Rule 11(e), “[a]fter the court imposes sentence, the defendant may not withdraw a plea of guilty or nolo contendere, and the plea may be set aside only on direct appeal or collateral attack.” Further, “a post-sentencing

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<sup>1</sup> The Defendant is represented by appellate counsel.

motion to withdraw a guilty plea is ‘unauthorized and without jurisdictional basis.’”  
*Rader v. United States*, No. 5:06CR38-DCB-LRA, 2010 WL 2680180, at \*2 (S.D.  
Miss. July 1, 2010) (quoting *United Statse v. Vasquez*, 121 F. App’x 17, 18 (5th Cir.  
2004)).

**IT IS THEREFORE ORDERED AND ADJUDGED** that the [126] Letter  
Motion to Withdraw Plea of Guilty is **DENIED** for lack of jurisdiction.

**SO ORDERED AND ADJUDGED** this the 5<sup>th</sup> day of July, 2023.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE